

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING - September 16, 1970

Appeal No. 10518 S. Tebbs Chichester, Jr., appellant.

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee.

On motion duly made, seconded and carried, with Messrs. Arthur P. Davis and Samuel Scrivener, Jr. dissenting, the following Order of the Board was entered at the meeting of September 22, 1970.

EFFECTIVE DATE OF ORDER - February 18, 1971

ORDERED:

That the appeal for permission to reinstate BZA Order 9685, effective January 13, 1969 for variance from the lot occupancy, rear yard open court and floor area ratio requirements of the R-5-B District to permit alteration and 3rd floor addition to building at 2529-2529-A P Street, N. W., be granted.

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District.
2. The property is improved with a two-story brick structure with a store window on the first floor. The structure has a frontage of 26 feet on P Street and a depth of 59.27 feet. The first floor of the structure is presently used as an office for an interior design consultant and real estate broker. The second floor of the premises is occupied as a flat.
3. Appellant proposes to renovate the structure into an apartment containing five units; three 1-bedroom units; one efficiency unit; and one 2-bedroom unit. It is further proposed to construct a new third floor which will be set back 7 feet from the front of the building. (see BZA exhibit 12)

Appeal No. 10518
PAGE 2
February 18, 1971

4. The subject structure now covers 60 percent of the lot. Appellant seeks to increase lot occupancy to 71.7 percent.

5. It is also requested that appellant be permitted to reduce the rear yard from 15 feet to 11 feet, 9 inches. The building sits back 2 feet from the property line at the street and the rear yard abuts gardens in the rear.

6. There is an areaway rendered non-conforming as the result of the construction of a new structure adjacent to the premises enclosing subject property on its third side. It is requested that the areaway be reduced from a 10 foot by 350 foot area to 5 foot 75 foot area. Appellant also requested that the record of BZA Appeal 9685 be incorporated into the record of this appeal.

7. Opposition was registered at the Public Hearing to the granting of this appeal.

8. The Board at its executive session on September 22, 1970, granted by a 3 - 2 (Messrs. Srivener and Davis dissenting) vote the subject appeal. On October 14, 1970, the Citizen's Association of Georgetown requested a rehearing by the Board of the subject appeal because abutting property owners allegedly failed to receive notice of the public hearing.

OPINION:

We are of the opinion that the appellant has shown a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested variances will result in peculiar and exceptional practical difficulties and undue hardship upon the owner.

The Request of the Georgetown Citizen's Association for a rehearing of the subject appeal is denied in that there was not, as required by Section 8204 of the Zoning Regulations, any showing that new evidence would be produced at a rehearing that could not reasonably have been presented at the original hearing.

Appeal No. 10518
PAGE 3
February 18, 1971

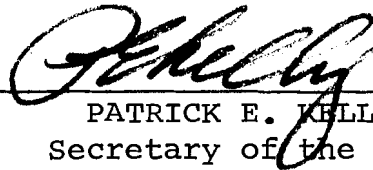
There was also no showing that there would be new evidence that was not presented at the original hearing.

Further we find that the requested relief can be granted without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

BY: _____



PATRICK E. KELLY
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DIRECTOR OF INSPECTIONS WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.